

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

No. CV 16-00702-WJ-SMV

No. CR 01-00253-WJ

KEVIN P. BOWEN,

Defendant/Movant.

**ORDER STAYING CASE PENDING  
TENTH CIRCUIT AUTHORIZATION PURSUANT TO 28 U.S.C. § 2255(h)**

**THIS MATTER** is before the Court under Rule 4 of the Rules Governing Section 2255 Proceedings on Defendant/Movant Kevin P. Bowen's Motion To Vacate Judgment Under 28 U.S.C. § 2255. [CV Doc. 1; CR Doc. 112] This is a successive § 2255 Motion and Bowen has not yet obtained authorization to proceed from the United States Court of Appeals for the Tenth Circuit. *See* 28 U.S.C. § 2255(h). The Court notes, however, that Bowen has filed a Motion for Permission in the Tenth Circuit, seeking authorization to proceed with his § 2255 Motion. *See In re: Bowen*, No. 16-2157 (10th Cir. June 24, 2016). The Tenth Circuit has abated Bowen's Motion for Permission, pending further order from the Court. [CV Doc. 3; CR Doc. 113] In light of the foregoing, the Court will order this case stayed pending the Tenth Circuit's ruling on Bowen's Motion for Permission.

**IT IS ORDERED** that this matter is STAYED pending the ruling of the United States Court of Appeals for the Tenth Circuit on Bowen's Motion for Permission to file a second or successive habeas petition under 28 U.S.C. § 2255.



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**STEPHAN M. VIDMAR**  
**UNITED STATES MAGISTRATE JUDGE**